IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1210 OF 2007

Sheetal Drape (India)
Pvt. Ltd. & Anr. .. Petitioners.
Vs.
Bombay Municipal Corporation
and Others .. Respondents.

Mr.Vrushab Shah with Sarita D'lima i/b Raval Shah for the petitioners.
Ms.A.R.Joshi for the respondent-corporation.

CORAM : D.B.BHOSALE, J.
DATED : 17TH JULY, 2007.

P.C.:

. Heard learned counsel for the parties.

2. The petitioners in this writ petition has impugned a warrant of attachment dated 23.3.2007 and prayed for setting aside the attachment warrant on the ground that the petitioners are in possession of 9 galas and they have paid property tax to the Corporation in respect thereof. They have also prayed for prohibiting the respondent-corporation from taking any steps in furtherance of or implementation of the said warrant of attachment dated 23.3.2007. There is no dispute that insofar as the petitioners are concerned they have paid the taxes in respect of 9 galas in their possession. It

appears that total arrears of the property tax are Rs.67,37,947/-. Mr.Shah, learned counsel for the petitioners submits that in view of the payment made by the petitioners of all taxes in respect of 9 galas in their possession the corporation be directed not to take any coercive steps for recovery of the amounts of property taxes and recover the tax from owner and occupants of other galas. In my opinion, this petition can be conveniently disposed of by the following order:

. The warrant of attachment shall remain in force till the entire amount of property tax is recovered by the respondent-coporation. The corporation, however, shall proceed against the owner and/or occupants of other galas/property and if the amount of property tax is not recovered it will be open for the corporation to proceed against the property in possession of the petitioners. It is open for the petitioners to approach the corporation for issuance of separate bills in respect of the galas in their possession. If such an application is made by the petitioners same may be considered in accordance with law. With these observations the writ petition is disposed of.

(D.B.BHOSALE, J.)